

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 4, 2007  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, Senior Assistant City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Brown.

Mayor Bell read a proclamation declaring June 5, 2007 as Make a Wish Day presented to LaDonna Summers who made comments.

Council Member Stith read Resolutions Memorializing Stewart Twiggy Fulbright and William McDonald.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that Agenda Item #36 [Mayor's State of the City Address] be presented under the General Business Agenda and stated that the Voluntary Annexation Petition for Ingram Estates—Agenda Item 41-b—has been withdrawn by the petitioner. Also, he announced that there would be a meet and greet opportunity with the Police Chief finalists on Tuesday, June 5 at 7 pm in the Council Chambers.

**MOTION** by Council Member Stith seconded by Council Member Woodard to accept the City Manager's priority items was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

Council Member Stith stated he would be voting no on Item # 20 [Add Backs to Durham Performing Arts Center].

**MOTION** by Council Member Stith seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

June 4, 2007

**[CONSENT AGENDA]**

**SUBJECT: WORKFORCE DEVELOPMENT BOARD – RECEIPT AND  
ACCEPTANCE OF AN APPLICATION AND REAPPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive and accept an application and to reappoint Carl Harris to the Workforce Development Board to represent Education with the term to expire on June 30, 2009 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION – RECEIPT AND  
ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive and accept applications for a citizen to fill one (1) vacancy on the Durham Open Space & Trails Commission to represent Ward 1 with the term to expire on June 30, 2010 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION -  
APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to appoint Henri P. Gavin (term to expire August 31, 2009) and John W. Warman, III (term to expire August 31, 2007) to fill two (2) vacancies on the Durham Bicycle and Pedestrian Advisory Commission was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION -  
APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to reappoint Howard A. Partner to the Durham City-County was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT**

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**MOTION** by Council Member Stith seconded by Council Member Catotti to appoint Tanya N. Blake Mitchell-Allen to fill one (1) vacancy on the Durham Planning Commission to represent At-Large with a term to expire on June 30, 2010 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to reappoint Rebecca M. Winders to the Durham Board of Adjustment with the term to expire on June 30, 2010 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: ATTENDANCE REPORTS FOR BOARDS, COMMITTEES AND COMMISSIONS**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive Attendance Reports from the following Boards was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

Capital Program Advisory Committee, Cultural Master Plan Advisory Board, Design District Review Team, Durham Area Transit Authority Board of Trustees, Durham Bicycle and Pedestrian Advisory Commission, Durham Board of Adjustment, Durham Cable TV Advisory Board, Durham Citizens Advisory Committee, Durham City-County Appearance Commission, Durham Civic Center Authority, Durham Convention & Visitors Bureau Tourism Development Authority, Durham Historic Preservation Commission, Durham Housing Authority Board of Commissioners, Durham Open Space and Trails Commission, Durham Planning Commission, Durham Workforce Development Board, Durham Environmental Affairs Board, Equal Business Opportunity Program Advisory Committee, Housing Appeals Board, Human Relations Commission, Lyon Park Advisory Board, Passenger Vehicle For Hire Commission, Raleigh-Durham Airport Authority, and the Recreation Advisory Commission.

**SUBJECT: BID REPORT – APRIL 2007**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2007 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

June 4, 2007

**Date:** May 8, 2007  
**To:** Patrick W. Baker, City Manager  
**Through:** Wanda S. Page, Deputy City Manager  
Kenneth C. Pennoyer, Finance Director  
**From:** Joseph W. Clark, CLGPO, Purchasing Manager  
**Subject:** Bid Report – April 2007

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2007.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **4,600 Sanitaire Membrane Diffusers**

Purpose of Bid: To provide the Water Management Department with replace membrane diffusers for the aeration system at the North Durham WRF.

Comments: Combs & Associates, Inc. is the exclusive representative for Sanitaire in North and South Carolina.

4,600 Membrane Diffusers @ \$6.75 each.

Opened: March 26, 2007

Bidders: Combs & Associates, Inc. \* \$31,050.00  
Mechanicsville, VA

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	34		# Black Males	1	05%
Total # Females	10	25%	# White Males	23	70%
Total # Males	24	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	9	20%
			# Other Females	1	05%

The SDBE Data Base was used in the solicitation of bids for this item.

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2.     **Bid:**           **One Dumpster Handler Body**

Purpose of Bid:       To provide the Solid Waste Management Department with a Dumpster Handler Truck Body

Comments:

Opened:           March 26, 2007

Bidders:	Cavalier Equipment Corporation	* \$15,373.00
	Cloverdale, VA	
	Galbreath Corporation	\$15,425.00
	Idler, AL	

\*Awarded based on: X Low Bid   \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20		# Black Males	2	10%
Total # Females	2	10%	# White Males	16	80%
Total # Males	18	90%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	10%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3.     **Bid:**           **Service Truck Body**

Purpose of Bid:       To provide the Storm Water Maintenance Division with a Service Truck Body.

Comments:

Opened:           March 28, 2007

Bidders:	Ford Body Company	* \$14,898.00
	Greensboro, NC	
	PJ's Truck Bodies & Equipment Company	\$16,488.00
	Dunn, NC	

\*Awarded based on: X Low Bid   \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS

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#### CORPORATION STATISTICS

Total Workforce	24		# Black Males	2	8%
Total # Females	2	8%	# White Males	14	59%
Total # Males	22	92%	# Other Males	6	25%
			# Black Females	0	0%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

4. **Bid:** **Service Truck Body with Crane**

Purpose of Bid: To provide the Water Management Department with a Service Truck Body with Crane.

Comments:

Opened: March 28, 2007

Bidders:	Ford Body Company	* \$11,396.00
	Greensboro, NC	
	Quality Truck bodies	\$12,756.00
	Wilson, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

#### WORKFORCE STATISTICS CORPORATION STATISTICS

Total Workforce	24		# Black Males	2	8%
Total # Females	2	8%	# White Males	14	59%
Total # Males	22	92%	# Other Males	6	25%
			# Black Females	0	0%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. **Bid:** **One 6 Cubic Yard Refuse Collection Truck Body**

Purpose of Bid: To provide the Parks & Recreation Department with a Refuse Collection Truck Body

Comments: This unit will be for parks cleanup.

June 4, 2007

Opened: March 28, 2007

Bidders:	Cavalier Equipment Corporation	* \$26,162.00
	Cloverdale, VA	
	Wayne Engineering Corporation	\$28,552.00
	Cedar Falls, IA	

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20		# Black Males	2	10%
Total # Females	2	10%	# White Males	16	80%
Total # Males	18	90%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	10%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6.     **Bid:**            **One (1) Forklift**

Purpose of Bid:        To provide the General Services Department with a Forklift.

Comments:            The Forklift will be used in their maintenance operations.

Opened: March 29, 2007

Bidders:	Southeast Industrial Equipment, Inc.	* \$29,789.00
	Wilson, NC	
	Barloworld Handling LP	\$30,682.00
	Charlotte, NC	

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	264		# Black Males	15	6%
Total # Females	44	17%	# White Males	201	76%
Total # Males	220	83%	# Other Males	4	1%
			# Black Females	4	1%
			# White Females	10	16%
			# Other Females	0	0%

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The SDBE Data Base was used in the solicitation of bids for this item.

**7. Bid: One Four Wheel Drive Mowing Tractor**

Purpose of Bid: To purchase a Four Wheel Drive Mowing Tractor for the Water Management Department.

Comments:

Opened: April 3, 2007

Bidders:	Right of Way Equipment Company	* \$82,415.48
	Raleigh, NC	
	Senter Tractor Company	\$89,988.12
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	21		# Black Males	1	5%
Total # Females	4	19%	# White Males	16	76%
Total # Males	17	81%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	14%
			# Other Females	1	5%

The SDBE Data Base was used in the solicitation of bids for this item.

**8. Bid: Fire Field Service Trailer**

Purpose of Bid: To provide the Fire Department with a Field Service Trailer

Comments:

Opened: April 3, 2007

Bidders:	Robert Davis and Son	* \$13,923.00
	Millford, IL	
	Bruder/Sharpe, Inc.	\$14,898.03
	Madison, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS



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#### CORPORATION STATISTICS

Total Workforce	36		# Black Males	2	6%
Total # Females	4	11%	# White Males	30	83%
Total # Males	32	89%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	11%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

9. **Bid:** **Four (4) 24-ton trailers**

Purpose of Bid: To provide the Stormwater Maintenance and Water & Sewer Maintenance with equipment trailers.

Comments: Four trailers at \$15,272 each.

Opened: April 4, 2007

Bidders:	Gregory Poole Equipment Co.	* \$61,088.00
	Raleigh, NC	
	Carter Machinery Company	\$67,060.00
	Salem, VA	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

#### WORKFORCE STATISTICS CORPORATION STATISTICS

Total Workforce	512		# Black Males	41	8%
Total # Females	68	13%	# White Males	386	75%
Total # Males	444	87%	# Other Males	17	3%
			# Black Females	5	1%
			# White Females	60	12%
			# Other Females	3	1%

The SDBE Data Base was used in the solicitation of bids for this item.

10. **Bid:** **Four (4) Trench Shoring Boxes**

Purpose of Bid: To provide the Water & Sewer Maintenance Division with Trench Shoring Boxes

Comments: 4 boxes at \$6,567 each

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Opened: April 4, 2007

Bidders: Regions Interstate Billing Service \* \$26,268.00  
Raleigh, NC  
Sunbelt Rentals \$27,985.60  
Durham, NC

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	0	0%	# White Males	9	100%
Total # Males	9	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**11. Bid: Asphalt Road Maintenance Trailer**

Purpose of Bid: To provide the Street Maintenance Division with a Asphalt Road Maintenance Trailer

Comments:

Opened: April 5, 2007

Bidders: Stafford Equipment \* \$42,087.00  
Raleigh, NC  
E.D. Etnyre & Co. \$44,770.00  
Oregon, IL

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	416		# Black Males	31	7.5%
Total # Females	69	16.6%	# White Males	305	73.3%
Total # Males	347	83.4%	# Other Males	11	2.6%
			# Black Females	7	1.7%
			# White Females	61	14.7%
			# Other Females	1	0.2%

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The SDBE Data Base was used in the solicitation of bids for this item.

**12. Bid: One (1) Service Truck Body**

Purpose of Bid: To provide the Water Management Department with a Service Truck Body.

Comments:

Opened: April 9, 2007

Bidders:	Quality Truck Bodies	* \$14,700.00
	Wilson, NC	
	Ford Body Company	\$16,287.00
	Greensboro, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	12		# Black Males	1	8%
Total # Females	1	8%	# White Males	7	59%
Total # Males	11	92%	# Other Males	3	25%
			# Black Females	0	0%
			# White Females	1	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**13. Bid: Two (2) Service Truck Utility Bodies**

Purpose of Bid: To provide the Water Management Department with Service Truck Utility bodies.

Comments: Two bodies at \$5,312 each

Opened: April 9, 2007

Bidders:	Ford Body Company	* \$10,624.00
	Greensboro, NC	
	Quality Truck bodies	\$11,543.50
	Wilson, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	24		# Black Males	2	8%
Total # Females	2	8%	# White Males	14	59%
Total # Males	22	92%	# Other Males	6	25%
			# Black Females	0	0%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

14. **Bid:** **One (1) Service Truck Body**

Purpose of Bid: To provide the Fire Department with a Service Truck Body.

Comments:

Opened: April 13, 2007

Bidders:	Ford Body Company	* \$23,771.00
	Greensboro, NC	
	Quality Truck bodies	\$24,039.00
	Wilson, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	24		# Black Males	2	8%
Total # Females	2	8%	# White Males	14	59%
Total # Males	22	92%	# Other Males	6	25%
			# Black Females	0	0%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

15. **Bid:** **Survivair Protective Suits and Equipment**

Purpose of Bid:

Comments: Grant Funds are being used to purchase this equipment for the Police Department.

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Opened: April 19, 2007

Bidders:	Aramco, Inc.	*\$28,984.75
	Durham, NC	
	Care Safety, LLC	\$37,981.58
	Durham, NC	
	Lab Safety	\$46,222.77
	Janesville, WI	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		# Black Males	1	25%
Total # Females	2	50%	# White Males	1	25%
Total # Males	2	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	50%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

16. **Bid:** **Snow Plows**

Purpose of Bid: To provide the Public Works Department snow plows and salt spreaders

Comments: Two snow plows @ \$5,120 each

Opened: April 20, 2007

Bidders:	Godwin Manufacturing Co.	* \$10,240.00
	Dunn, NC	
	Good Roads, Inc.	\$10,640.00
	Williamsport, IN	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	174		# Black Males	26	15%
Total # Females	42	24%	# White Males	70	40%

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Total # Males	132	76%	# Other Males	36	21%
			# Black Females	4	2%
			# White Females	33	19%
			# Other Females	5	3%

The SDBE Data Base was used in the solicitation of bids for this item.

**17. Bid: Term Contract -- Three Years for LP Gas**

Purpose of Bid: This product is used to operate small equipment and as a heating fuel For remote locations (20,000 gallons).

Comments: Bids were sent to several vendors and only one response was received.

Opened: April 26, 2007

Bidders:	Energy United Propane, LLC	*\$1.639375/gallon
	Durham, NC	\$32,787.50

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	79		# Black Males	4	05%
Total # Females	21	27%	# White Males	54	68%
Total # Males	58	73%	# Other Males	0	0%
			# Black Females	4	05%
			# White Females	17	22%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: STREET CLOSING – WOODBARK LANE – SET PUBLIC HEARING ON THE CLOSING OF A 261.67 LINEAR FOOT PORTION OF WOODBARK LANE (SC07-03)**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt a resolution to set a public hearing on the proposed closing of a 261.67 linear foot portion of Woodbark Lane, located west of North Miami Boulevard and east of Alma Street, for August 6, 2007 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Resolution #9461**

**SUBJECT: MAJOR SITE PLAN – JOHNSON KIA OF DURHAM (D06-966)**

**MOTION** by Council Member Stith seconded by Council Member Catotti to approve a major site plan, with a landscape variation from the maximum distance of 100 feet spacing between street trees, for “Johnson KIA of Durham,” submitted by Haden Stanziale, on behalf of Reveille LLC, to construct a 33,000 square-foot vehicle sales facility with 429 display spaces and 30 parking spaces, on 10.55 acres zoned CG (D), MTC, and F/J-B -- the site is located at the northeast corner of Southpoint Auto Park Boulevard and Johnson Victory Circle, PIN 0718-01-45-0737, 4867 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: 2006 ANNUAL REPORT OF THE DURHAM ENVIRONMENTAL AFFAIRS BOARD**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive the 2006 Annual Report of the Durham Environmental Affairs Board was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: STREET ACCEPTANCES**

**MOTION** by Council Member Stith seconded by Council Member Catotti to accept the streets on the list for maintenance by the City of Durham was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Bradbury Glen**

- 1) Thoreau Drive – from the south curb line of Lumley Road south thru the cul-de-sac (1,513') and
- 2) Beacon Drive – from the centerline of Thoreau Drive east thru the cul-de-sac (137') and

- 3) Castlewell Place – from the centerline of Thoreau Drive east thru the cul-de-sac (198') and
- 4) Brimmer Street – from the centerline of Thoreau Drive east then south thru the cul-de-sac (1,937') and
- 5) Hamilton Green Drive – from the south curb line of Lumley Road to the centerline of Brimmer Street (440.)

### **Bradbury Trace**

- 1) Skybrook Lane – from the south curb line of Lumley Road southward and around to the centerline of Skybrook Lane (3,459') and
- 2) Bellmore Court – from the centerline of Skybrook Lane southeast thru the cul-de-sac (191') and
- 3) Rosedawn Court – from the centerline of Skybrook Lane southwest thru the cul-de-sac (153') and
- 4) Rockport Drive – from the centerline of Skybrook Lane southwest past Lenox Lane thru the cul-de-sac (927') and
- 5) Lenox Lane – from the centerline of Skybrook Lane north to the centerline of Skybrook Lane (667') and
- 6) Thornton Court – from the centerline of Skybrook Lane northwest thru the cul-de-sac (217') and
- 7) Azalea Drive – from the south curb line of Lumley Road south to the centerline of Skybrook Lane (195'.)



**Grandale – PH I & II**

- 1) Lyon Farm Drive – from the west curb line of Grandale Drive west to the end of Phase I @ STA 8+15 (795') and
- 2) Sutteridge Court – from the centerline of Lyon Farm Drive north thru the cul-de-sac (714') and
- 3) Sutteridge Court – from the centerline of Lyon Farm Drive south thru the cul-de-sac (857') and
- 4) Sandhill Lane – from the centerline of Sutteridge Court east thru the cul-de-sac (348') and
- 5) Monaco Court – from the centerline of Sutteridge Court east thru the cul-de-sac (157') and
- 6) Stonehouse Court – from the centerline of Sutteridge Court east thru the cul-de-sac (614'.)

**Country Club Heights – PH II**

- 1) Continental Drive – from the northwest curb line of Umstead Road north to the centerline of Country Club Drive (1,112') and
- 2) Lady Aster Court – from the centerline of Continental Drive west thru the cul-de-sac (120') and
- 3) Bay Bush Court – from the centerline of Continental Drive west thru the cul-de-sac (162'.)

**Stoneybrook Cottages**

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- 1) Stoneybrook Drive – from the west curb line of Cole Mill Road west to the centerline of Greenway Circle (420') and
- 2) Greenway Circle – from the centerline of Stoneybrook Drive west and around the circle to the centerline of Stoneybrook Drive (419') and
- 3) Brook Chase Lane – from the centerline of Greenway Circle north to the end of construction @ STA 1+58 (158.) (299') and

#### **Rocky Ridge**

- 1) Dula Street – from the centerline of Myers Park Drive east to the end of construction @ STA 2+15.78 (227'.)

#### **Chancellors Ridge – Phase IV**

- 1) Professor Place – from the end of existing pavement east thru the cul-de-sac (666') and
- 2) Diploma Drive – from the centerline of Professor Place south to the centerline of Chancellors Ridge Drive (360') and
- 3) Education Avenue – from the centerline of Chancellors Ridge Road northward thru the cul-de-sac (747'.)

#### **Additional Streets**

- 1) Prospectus Drive – from the end of existing pavement north thru the cul-de-sac (392'.)
- 2) Tarik Drive – from the centerline of Mossdale Avenue west to the end of construction at STA 6+30 (212'.)

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**SUBJECT: CONTRACT TO AUDIT ACCOUNTS FOR FISCAL YEAR ENDING  
JUNE 30, 2007 - MCGLADREY & PULLEN**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager, the Mayor, and the ASOC Chairperson to execute a contract with McGladrey & Pullen at a cost of \$90,000.00, plus out-of-pocket expenses, to provide audit services to the City of Durham for the fiscal year ending June 30, 2007; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: RESOLUTION HONORING WILLIAM MCDONALD**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Honoring William McDonald was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Resolution #9462**

**SUBJECT: RESOLUTION HONORING STEWART "TWIGGY" FULBRIGHT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Honoring Stewart "Twiggy" Fulbright was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Resolution #9463**

**SUBJECT: ACCEPTANCE OF OFFERS TO PURCHASE SURPLUS REAL ESTATE  
FOR AFFORDABLE HOUSING SUBJECT TO CONDITIONS - 218 N.  
DILLARD STREET, 1508 MORNING GLORY AVENUE, 308 ELLIOTT  
STREET AND 410-426 N. ROXBORO STREET**

**MOTION** by Council Member Stith seconded by Council Member Catotti to determine the properties at 218 N. Dillard Street, 1508 Morning Glory Avenue, 308 Elliott Street and 410-426 N. Roxboro Street to be surplus;

To authorize the sale of the properties under the authority of Section 86 of the City Charter and North Carolina General Statutes 160A-267 and 160A-279;

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To accept the offers to purchase 218 N. Dillard Street, 1508 Morning Glory Avenue, 308 Elliott Street and 410-426 N. Roxboro Street subject to certain conditions as detailed in the agenda memo; and

To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed containing covenants for use of the property for affordable housing was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: AMENDMENT TO SPORTS AND PROPERTIES, INC. CONTRACT - SPORTS & PROPERTIES, INC., PHILIP SZOSTAK ASSOCIATES AND GARFIELD TRAUB DEVELOPMENT LLC**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute Amendment 1 to Naming Rights Sponsorship Services Agreement with Sports & Properties, Inc., Philip Szostak Associates and Garfield Traub Development LLC to extend the completion date; and

To authorize the City Manager to make such changes to Amendment 1 as may be needed so long as they do not increase the contract amount nor alter the completion date of the contract was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: WORKFORCE INVESTMENT ACT INCUMBENT WORKER GRANT – DURHAM EXCHANGE CLUB INDUSTRIES INC. CONTRACT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a Workforce Investment Act incumbent worker training reimbursement contract with Durham Exchange Club Industries, Inc. in an amount not to exceed \$35,385.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: BUSINESS LOAN REPORT MARCH 2007**

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**MOTION** by Council Member Stith seconded by Council Member Catotti to accept the Business Loan Report for March 2007 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: ADD BACKS TO DURHAM PERFORMING ARTS CENTER - DUKE UNIVERSITY - SZOSTAK DESIGN INC. - GARFIELD TRAUB DEVELOPERS**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year FY 06-07, as amended, the same being Ordinance #13271 for the purpose of recognizing the addition of \$2,425,000.00 from the sale of \$925,000.00 in Certificates of Participation in the project funding, and a \$1,500,000.00 donation by Duke University;

To increase the Owner's Contingency from \$1,597,367.00 to \$1,695,367.00, an increase of \$98,000.00 immediately upon approval of this item, and to further increase the Owner's Contingency by another \$100,000.00 if the Duke University donation is received;

To amend the contract between the City and Szostak Design Inc. by increasing the amount to be paid by \$242,962.00 within 30 days of executing the amendment, plus and additional \$282,650.00 if the donation from Duke University is received, for additional basic services and additional services as outlined in Attachment A bringing the total amount to be paid from \$2,890,000.00 to an amount not to exceed \$3,415,612.00;

To authorize the City Manager, upon receipt of any additional funding made available to this project, to amend the contract between the City and Szostak Design Inc. by up to \$126,228.00 for additional basic services and additional services as outlined in Attachment A to this memo, so long as adequate naming rights funding is provided to the project budget in excess of the naming rights funding already obligated under the provisions of Section 2.1 of the Development Agreement between the City and Garfield Traub Developers, and that in no case shall any of this \$126,228.00 for additional compensation be paid from the City's project contingency fund;

To authorize the City Manager to amend the contract with Szostak Designs Inc. prior to execution so long as such changes do not increase the compensation to be paid by the City, or decrease the services to be provided to the City; and

To approve future change orders and contract amendments for design and construction phase services that may become necessary through the project construction, so long as the total amount of those change orders does not exceed the available Owner's contingency as approved by Council was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Woodard. Noes: Council Member Stith. Absent at time of Vote: Council Member Clement.

**Ordinance #13414**

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**SUBJECT: CONTRACT FOR BROKER SERVICES - MARSH USA, INC.**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with Marsh USA, Inc., for Insurance Broker and Risk Management Consulting Services for a period of up to three years, effective July 1, 2007 at a cost not to exceed \$160,000.00; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: ST. JOSEPH'S HISTORIC FOUNDATION DEVELOPER AGREEMENT**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute the Development Agreement with The St. Joseph's Historic Foundation; and

To authorize the City Manager to make changes to the Agreement prior to execution provided such changes are consistent with the intent of the agreement.

To adopt a Resolution that exempts St. Joseph's Historic Foundation, Inc. from GS 143-64.31 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Resolution #9464**

**SUBJECT: CITY HALL ROOF REHABILITATION CMAR CONSTRUCTION SERVICES AMENDMENT NO. 2-B - SKANSKA USA BUILDING, INC.**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to negotiate and execute an Amendment No. 2-B for construction services with Skanska USA Building, Inc. for construction of roofing rehabilitation work at the Durham City Hall, in an amount not to exceed \$571,240.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To establish a project contingency in the amount of \$41,660.00; and

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To authorize the City Manager to negotiate and execute change orders on this Amendment No. 2-B for construction services provided the total project cost does not exceed the applicable project ordinance or that project contingency was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: DURHAM ATHLETIC PARK RENOVATION PROJECT –  
AMENDMENT TO PRECONSTRUCTION SERVICES CONTRACT  
WITH SBER DEVELOPMENT HOLDINGS, LLC**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract amendment to the Contract for Architectural Services for the Renovation of the Durham Athletic Park with SBER Development Holdings, LLC in the amount of \$51,000.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To increase the project contingency to \$15,000.00; and

To authorize the City Manager to negotiate and execute contract amendments on the Renovation of the Durham Athletic Park project provided the total project cost does not exceed the applicable project ordinance was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: LEASE AGREEMENT FOR THE POLICE DEPARTMENT'S PROPERTY  
AND EVIDENCE CONTROL UNIT - NORTHGATE ASSOCIATES**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a lease agreement, in the amount of \$13,756.50 per year for five years, with Northgate Associates; and

To authorize the City Manager to execute and make changes to the lease prior to execution provided such changes do not change the intent of the agenda memo or increase the monthly rental expenses was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: "GO TRIANGLE" LOGO - SEAMLESS MARKETING GROUP**

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**MOTION** by Council Member Stith seconded by Council Member Catotti to approve the logo developed by the seamless marketing group for the “GO Triangle” regional transit brand was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: CONTRACT ST-231, TRAFFIC CALMING 2007 - WHITE OAK CONSTRUCTION CORPORATION**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt a resolution authorizing the City Manager to execute a contract with White Oak Construction Corporation and any change orders within the budgeted amount with White Oak Construction Corporation for the project known as ST-231, Traffic Calming 2007;

To authorize the City Manager to execute contract ST-231, Traffic Calming 2007, with White Oak Construction Corporation in the amount of \$229,868.00;

To establish a contingency fund in the amount of \$34,480.20 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$34,480.20 and the total project cost does not exceed \$264,348.20 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Resolution #9465**

**SUBJECT: FIBER OPTIC NETWORK CONNECTIONS AT WILLIAMS PLANT, FLEET MANAGEMENT AND SOLID WASTE MANAGEMENT - TIME WARNER CABLE**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with Time Warner Cable in the amount of \$77,304.00 for the installation and lease of Time Warner fiber to the Williams Water Treatment Plant, Fleet Management and Solid Waste Management facilities for a term of three years; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.



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**SUBJECT: ACS SOFTWARE SERVICE AGREEMENT - ACS GOVERNMENT SYSTEMS, INC.**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute an agreement with ACS Government Systems, Inc. for development and customization of the code enforcement system in the amount of \$127,000.00; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: CONTRACT SR-47 – SANITARY SEWER EVALUATION STUDY - HYDROSTRUCTURES, P.A.**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with Hydrostructures, P.A. for Contract SR-47 – Sanitary Sewer Evaluation Study in the amount of \$694,334.50;

To establish a contingency fund for Contract SR-47 of \$69,433.50;

To authorize the City Manager to negotiate change orders for Contract SR-47 provided that the cost of all change orders does not exceed \$69,433.50 and the total project cost does not exceed \$763,768.00; and

To authorize the City Manager to make changes to the contract before execution provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: CONTRACT SR-36 – POINT REPAIRS - BILLINGS AND GARRETT, INC.**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with Billings and Garrett, Inc. for Contract SR-36 – Point Repairs in the amount of \$1,251,259.40;

To establish a contingency fund for Contract SR-36 of \$250,251.60;

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To authorize the City Manager to negotiate change orders for Contract SR-36 provided that the cost of all change orders does not exceed \$250,251.60 and the total project cost does not exceed \$1,501,511.00; and

To authorize the City Manager to make changes to the contract before execution provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: PAVING HARVARD AVENUE**

**MOTION** by Council Member Stith seconded by Council Member Catotti to direct the City Manager to prepare a report, including estimated costs, preliminary assessments and a preliminary schedule for the paving of Harvard Avenue was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: WATER EXTENSION AGREEMENT WITH JT PROPERTIES OF DURHAM, LLC - CLUB STEEL BLUE**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a Water Extension Agreement with JT Properties of Durham, LLC to serve Club Steel Blue was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**The City Council disposed of the following agenda items at the May 24, 2007 Work Session:**

**25. Amendment #6 to Lease Agreement with Durham Bulls Baseball Club, Inc.**

To authorize the City Manager to execute Amendment #6 to Lease Agreement for the Durham Bulls Athletic Park with the Durham Bulls Baseball Club, Inc.; and

To authorize the City Manager to modify the agreement before execution provided that modifications are consistent with the general intent of the existing version of the agreement.

**Note: This item was approved at the 05/24/07 Work Session with a vote of 7/0.**

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**26. Resolution on Supplemental Funding for the ENO Greenway Project**

To adopt a Resolution to amend the Municipal Agreement on E-2549 (Eno River Greenway) to receive \$400,000.00 in supplemental funding from the Department of Transportation;

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement; and

To adopt an Ordinance Amending the General Capital Project Ordinance, Fiscal Year 2006-07, as amended, the same being Ordinance #13271.

**Note: This item was approved at the 05/24/07 Work Session with a vote of 7/0.**

**Resolution #9459**

**Ordinance #13413**

**29. 2009-2015 Transportation Improvement Program (TIP) Priority List**

To adopt a "Resolution to Endorse the City of Durham's Project Priority List for the FY 2009-2015 Transportation Improvement Program".

**Note: This item was referred back to the Administration – Public Works Dept.**

**35. Durham Athletic Park Development**

To receive a presentation on the current status of Durham Athletic Park Revitalization.

**Note: A presentation was received at the 05/24/07 Work Session.**

**49. Ellerbee Creek Watershed Association**

To receive comments from Diana Tetens regarding funding for the West Ellerbee Trail Design.

**Note: Comments were received at the 05/24/07 Work Session.**

**50. AHOD Worship Center**

To receive comments from Ron Meadows regarding surplus land.

**Note: Comments were received at the 05/24/07 Work Session.**

**51. Parkwood Homeowners' Association**

To receive comments from Michael Brooks regarding fire protection.

**Note: Comments were received at the 05/24/07 Work Session.**

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**52. Butner Advisory Council - Incorporation of Butner, North Carolina**

To receive comments from James C. Wrenn, Jr. regarding the Incorporation of Butner, North Carolina; and

To adopt a Resolution in Support of the Incorporation of Butner, with conditions.

**Note: The resolution was approved at the 05/24/07 Work Session with a vote of 7/0.  
Resolution #9460**

**53. Campaign for Decent Housing and Durham Affordable Housing Coalition**

To receive comments from Jack J. Preiss regarding a “one cent for housing” proposal to be included in the 2007-08 City’s Budget.

**Note: Comments were received at the 05/24/07 Work Session.**

**56. Duke Lacrosse Case – Third Party Investigation**

To establish an independent party using list [Investigator Panel] as a core for such investigation to investigate the activities of the Police Department and the District Attorney’s Office with respect to the Duke Lacrosse case; and

To schedule a Special City Council Meeting on June 1, 2007 at 11:00 am to define the scope, budget, membership and other matters related to the third party investigation of the Duke Lacrosse case.

**Note: This item was approved at the 05/24/07 Work Session with a vote of 6/1.**

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: ORDERING IMPROVEMENT UNDER ENABLING ACT AUTHORITY –  
COOK ROAD WATER MAIN**

Engineering and Stormwater Manager Lee Murphy made comments on this improvement noting he received a letter of objection from Mr. Paul Kieckbusch that was presented to the City Clerk.

Mayor Bell opened the public hearing.

To address questions raised by the Mayor Pro Tempore Cole-McFadden and Council Member Catotti, Engineering and Stormwater Manager Lee Murphy reported the applicant did not want to

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connect and pay the assessment. He stated there is one house with a small section on the road where there is no water main and this completes a gap in the line.

There being no further objections, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments; and

To adopt a resolution ordering a Water Main on Cook Road from Harmony Road South to the South Property Line of PIN #0729-03-34-1845 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: ORDERING PETITIONED IMPROVEMENT – GREEN STREET  
SIDEWALK**

Engineering and Stormwater Manager Lee Murphy stated a valid petition has been received for this sidewalk improvement and staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council member Woodard to receive public comments; and

To adopt a resolution ordering Sidewalk on Green Street (South Side) from North Gregson Street to Watts Street was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: CURB, GUTTER AND PAVING ON ALFRED STREET FROM RIDDLE  
ROAD TO JEROME ROAD – MINI ASSESSMENT ROLL**

Engineering and Stormwater Manager Lee Murphy noted improvements have been completed and staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**a. Property of George L. and Margaret S. Quiett, Jr.**

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to find that the property of George L. and Margaret S. Quiett, Jr., identified as 1702 Alfred Street, PIN 0830-03-00-1817, has benefited from the curb, gutter and paving improvement and to confirm

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the assessment in the original amount of \$2,201.60 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**b. Property of Missouri Morris**

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to find that the property of Missouri Morris, identified as 1713 Alfred Street, PIN 0830-03-00-3772, has benefited from the curb, gutter and paving improvement and to confirm the assessment in the original amount of \$5,252.20 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: ORDERING PETITIONED IMPROVEMENT – STEPHENS LANE  
WATER MAIN**

Engineering and Stormwater Manager Lee Murphy noted a valid petition has been received for this water main and staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive public comments; and

To adopt a resolution ordering Water Main on Stephens Lane from the North Property Line of PIN #0835-03-02-5404 to the North Property Line of PIN #0825-04-90-7776 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED BY MARCH 1,  
2006**

Assistant City Manager for Budget and Strategic Initiatives Julie Brenman made comments on this item. She reported the Ingram Estates petition has been withdrawn by the petitioner and is no longer a part of the public hearing. She stated the cost benefit analysis shows a net gain for the City for all properties with the exception of St. Barbara Greek Orthodox Church. She stated due to its proximity to the current City limits, the potential for future development and the voluntary annexation of surrounding properties, staff is recommending that the church be annexed.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

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**MOTION** by Council Member Stith seconded by Council Member Catotti to receive citizens' comments concerning the annexation of the following Voluntary Annexation Areas was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**a. FY2006-16 Fletcher's Mill Subdivision - Redwood Volunteer Fire Department**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 30, 2007; and

To authorize the City Manager enter into a half-base contract with the Redwood Volunteer Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Ordinance #13415**

**b. FY2006-17 Ingram Estates**

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department.

**Note: This item was withdrawn by the petitioner.**

**c. FY2007-08 St. Barbara Greek Orthodox Church - Parkwood Volunteer Fire Department**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 30, 2007; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Ordinance #13416**

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**d. FY2007-10 Office Depot - Parkwood Volunteer Fire Department**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31-- effective from and after June 30, 2007; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Ordinance #13417**

**e. FY2007-15 Blenheim Woods - Parkwood Volunteer Fire Department**

**MOTION** by Council Member Stith seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31-- effective from and after June 30, 2007; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: None. Absent at time of Vote: Council Member Clement.

**Ordinance #13418**

**SUBJECT: PUBLIC HEARING ON PROPOSED FY 2007-2008 BUDGET AND PROPOSED FY 2008-2013 CAPITAL IMPROVEMENT PLAN**

To receive public comments on the proposed Fiscal Year 2007-2008 budget, proposed Fiscal Year 2008-2013 capital improvement plan and related fee schedules.

Mayor Bell opened the public hearing and the following citizens spoke:

Lori Leachman, representing the Durham Art Guild, spoke in support of direct funding for the Guild in the amount of \$10,000.

Aurelia Sands-Bell, representing the Durham Crisis Response Center, thanked the council for their continued support in the upcoming budget along with their personal pledges.

Pamela Green spoke in support of increased funding for the American Dance Festival.

Shelisa Howard, representing the Durham Women’s Agenda Assembly, provided background information on the Durham Women’s Agenda Assembly and its purpose. She also thanked the Human Relations Department for sponsoring the event and noted they have presented specific



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recommendations to the local government and asked the council to consider the recommendations.

Yvonne Pena, representing the Durham Women's Agenda Assembly, commented on the Human Relations Department sponsoring the Durham Women's Agenda Assembly with partnership dollars from HUD. She referenced various topics discussed at the event and asked the council to support the programs that address violence against women.

Anne Aitchison, representing the Durham Symphony, spoke in support of additional funding for the symphony.

Dennis Dickerson, representing the Durham Symphony, spoke in support of additional funding for the symphony.

Kevin Taylor, representing the Environmental Affairs Board, requested the following items be funded in the upcoming budget: 1) the sustainability officer; 2) an energy management program; 3) the hiring of one full time employee lead certified and program startup costs; and 4) the establishment of a green building awards program.

Diane Wright, representing the Campaign for Decent Housing, spoke in support of adding one penny to the tax rate that will be dedicated to address affordable housing needs in city target revitalization neighborhoods.

Andy Balbour, representing the Southwest Central Durham Quality of Life Committee, spoke in support of one cent to the tax rate to be dedicated for affordable housing.

Fen Hancock, representing the Durham Regional Association of Realtors, spoke in support of affordable housing in Durham.

Terry Allebaugh, Director of Housing for New Hope, spoke in support of adding one penny to the tax rate for affordable housing.

Leslie Page, President of the Durham Regional Association of Realtors, spoke in support of the \$1.5 million to be earmarked for affordable housing efforts.

Rueben Jones, representing the Environmental Affairs Board, requested that the council support funding for a sustainability coordinator position.

Julie King, Assistant Secretary for the Durham Symphony, requested additional funding for the Durham Symphony orchestra.

Denise Speight spoke in support of a swimming pool at the new Walltown Recreation Center.

Ernestine Hooker, representing the Walltown Community Association, thanked the council for committing to fund a community center in the Walltown area. She also spoke in support of Walltown groundbreaking taking place this year if possible.

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Victoria Peterson commented on the increase in crime in the country as well as in Durham. She spoke in support of additional funding for the Office of Economic & Workforce Development and stated a training center is needed in the community.

Judy Kincaid spoke in support of funding unfunded positions in the budget related to energy management; the sustainability officer; and the city/county inspection's position related to energy.

Ann Atwater, representing Birchwood Homeowners' Association, requested the city's assistance in opening up their recreation center in Birchwood. She stated the center has been closed for four years.

Adonis Brown spoke in support of funding for low income housing to make it more affordable and accessible for purchase for persons with low incomes.

Tennessee Watson, representing the Youth Noise Network, stated they work with Durham teens to produce a weekly radio show. She thanked the council for their continued support. Also, Ms. Watson referenced several upcoming programs/workshops they will be offering to 30 Durham teens.

Lena Eckert-Erdheim, representing the Youth Noise Network, thanked the council for their continued support of Youth Noise Network.

Emmanuel Watson, representing Youth Noise Network, spoke on the network's latest project entitled "The Passionate Citizens' Project" and thanked the council for funding the project.

Kiah Green, representing Youth Noise Network, thanked the council for supporting their work and stated they hoped the next project "Next Generation Durham" will be a huge success.

Richard Hanford, representing Durham People's Alliance, spoke in support of funding the sustainability program and a coordinator to work with the city, county and the community.

Vivian McCoy, representing New East Durham Community, stated according to the Northeast Central Strategic Revitalization Plan dated February 2004, Northeast Central Durham was to be fully staffed with an executive director, an administrative assistant, a community outreach coordinator and a NECD/Hope VI case coordinator. She stated only the executive director has been hired and requested that the other positions be included in the upcoming budget. Also, Ms. McCoy requested four additional police officers for District 1.

Sylvia Ann Vanhook, a resident of Birchwood Heights, spoke in support of funding to open up their community center for the youth and adults in the area.

Elizabeth Patton, representing El Centro Hispano, thanked the council for their continued support over the past two years relative to the youth programs.

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John Bowman, representing Urban Ministries of Durham, thanked the council for the previous funding provided and the proposed funding in the budget.

Vincent Rogers spoke in support of additional funding for the New Horizons alternative school program.

Erick Reavely spoke in support of additional funding for New Horizons and asked council not to cut their budget, but to support a program that works.

Shawn Phillips spoke in support of additional funding for New Horizons. He referenced police officers not being needed at the New Horizons alternative school; however, there are police officers in the public schools. He asked the council not to cut the budget for New Horizons.

Martina Dunford, Executive Director of New Horizons, spoke on how the programs at New Horizons have made a difference in the community and asked council to continue to support the alternative school by not cutting the request for funding.

Sabrina Ivey spoke in support of the New Horizons alternative school funding and asked the city council not to cut the funds.

Ashley Cox spoke in support of funding for TROSA funding and stated they were proud to be a part of the Durham community.

Benjamin Burnette and Sharron Taylor shared with the council on how TROSA has made a positive impact in their lives. They asked that funding be continued to TROSA so that others may have a chance to better themselves.

Dennis Garrett, representing Love & Respect Recovery House, addressed the council on what his organization was doing in the community to help others in need. Mr. Garrett stated his organization has touched more lives in Durham in one day than a lot of agencies touch in one year; however, his organization cannot request funding.

Citricia Key, representing Birchwood Community Heights, requested funding for Birchwood Heights Community Center. She stated the children are the most valuable resource.

Audrey Mitchell, President of Walltown Community Association, asked the council to provide funding in this year's budget to build a swimming pool along with the construction of the Walltown Recreation Center.

Phillip Barron, representing Durham Bike Co-op, stated his organization applied for a city grant in the amount of \$5,000 and it was his understanding they have been approved for \$4,500. He thanked the council for their support.

Chris Tiffany raised concern with litter in city parks.

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Candace Rashada asked the council to support giving New Horizons alternative school an additional \$5,000.

Landon Adams spoke in support of additional funding for the New Horizons alternative school.

Baqir Mujahid spoke in support of restoring the requested funding for New Horizons.

E. Lavonia Allison stated there needed be joint collaboration between the city, county and the school system. She stated everything raised this evening in terms of housing, crime, education and jobs is a holistic approach and asked that a town hall meeting be scheduled between the three governing bodies.

Rev. Robert Daniels, Pastor of St. John's Missionary Baptist Church, spoke in support of constructing a swimming pool at the new Walltown Recreation Center.

Anna Johnson praised the work of the Durham Housing Coalition.

Lanya Shapiro, representing the Citizens Advisory Committee, thanked the Council for the support of the Walltown Community Center. She also spoke in support of the one cent for affordable housing and stated the Citizens Advisory Committee voted to endorse the proposal. Ms. Shapiro read several names of individuals who also supported the proposal for affordable housing.

Spencer Bradford spoke in support of the one cent tax increase for affordable housing.

Bishop William A. Burch, a resident of Collier Drive, stated he was experiencing problems with the city relative to him burning wood at his residence. He asked that someone from the city administration come out to his residence to help solve his concerns.

Celia Dickerson spoke in support of the Mallarme Chamber Players being fully funded.

Mr. Graham, a resident of North Roxboro Road, spoke on Data #1 route service.

Mayor Bell thanked all the citizens for sharing their comments with the City Council.

The public hearing was closed by Mayor Bell.

**MOTION** by Council Member Stith seconded by Council Member Brown to receive public comments on the proposed Fiscal Year 2007-2008 budget, proposed Fiscal Year 2008-2013 capital improvement plan and related fee schedules was approved at 9:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: ZONING MAP CHANGE – NEWSOM/NORTH DUKE (Z07-11) – TONY LOVETTE AND LISA PRICE - 3008, 3010, 3012, AND 3016 NORTH DUKE STREET**

To receive public comments on the zoning map change for Newsom/North Duke (Z07-11);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-11 out of RU-5; F/J-B and placing same in and establishing same as RU-5; TO and F/J-B; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 10-0 on April 10, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located at 3008, 3010, 3012, and 3016 North Duke Street, on the east side of North Duke Street, south of Newsom Street and north of West Carver Street. PINs: 0823-16-73-9823, -9828, -9923, -9928]

City/County Planning Director Frank Duke stated he has all the affidavits certifying that all required notices were provided as required by state law.

City/County Planning Director Frank Duke briefed Council on the zoning map change highlighting additional uses that could be placed on the site for the transitional office [TO] overlay. Mr. Duke reported the request is consistent with the Comprehensive Plan, there are no environmental characteristics of the site that would preclude this destination being added to the underlying zoning and there is infrastructure capacity to support this item. He stated staff is recommending approval and the Planning Commission recommended approval.

Mayor Bell opened the public hearing.

**Proponent**

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Shelley Lovette, of 6621 Stagville Road, spoke in support of this zoning map change. She stated they have owned these houses for several years and cannot get the renters to keep the area clean which has become an eyesore for the neighborhood and the overlay would allow, for example, a doctor's office. She urged Council to support this request.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Brown to receive public comments on the zoning map change for Newsom/North Duke (Z07-11);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-11 out of RU-5; F/J-B and placing same in and establishing same as RU-5; TO and F/J-B; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

#### **Ordinance #13419**

**SUBJECT: ZONING MAP CHANGE – AUTOBELL (Z07-02) – LEVER BROTHERS BUILDERS, LLC - WEST SIDE OF NC 55, NORTH OF SEDWICK ROAD**

To receive public comments on the zoning map change for AutoBell (Z07-02);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-02 out of CN and RR and placing same in and establishing same as CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

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Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 9-1 on April 10, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located on the west side of NC 55, north of Sedwick Road. PIN: 0738-01-00-2036]

City/County Planning Director Frank Duke briefed Council on the staff report. He reported there is a development plan with committed elements found on page 2 of the staff report to include: 1) a cap on the intensity of uses on the site which would not generate more than 149 peak hour trips a day; 2) tree preservation area shall remain undisturbed; and 3) maximum impervious surface should be 50% for this site. Mr. Duke stated this request is consistent with the Comprehensive Plan, staff is recommending approval and the Planning Commission recommended approval.

Mayor Bell opened the public hearing.

### **Proponent**

Jamie Cox, representing the applicant, noted he was present to answer any questions.

No one spoke in opposition to this request.

The Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on the zoning map change for AutoBell (Z07-02);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-02 out of CN and RR and placing same in and establishing same as CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

### **Ordinance #13420**



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**SUBJECT: INITIAL ZONING MAP CHANGE – FLETCHER’S MILL SUBDIVISION (Z06-31A) – THE JOHN R. MCADAMS COMPANY, INC. - FLETCHER CHAPEL ROAD**

To receive public comments on the initial zoning map change for Fletcher’s Mill Subdivision (Z06-31A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish RR zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the east side of Fletcher’s Chapel Road and south of Suitt Street. PIN 0852-01-94-4604]

City/County Planning Director Frank Duke briefed Council on the initial zoning map change noting there would be no change in the proposed designation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on the initial zoning map change for Fletcher’s Mill Subdivision (Z06-31A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish RR zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13421**



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**SUBJECT: INITIAL ZONING MAP CHANGE – OFFICE DEPOT (Z07-08A) – CITY OF DURHAM – HOPSON ROAD AND SOUTH MIAMI BOULEVARD**

To receive public comments on the initial zoning map change for Office Depot (Z07-08A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish CN zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the southwest corner of Hopson Road and South Miami Boulevard. PIN: 0747-03-43-0901]

City/County Planning Director Frank Duke briefed Council on the initial zoning map change noting there would be no change in the proposed designation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on the initial zoning map change for Office Depot (Z07-08A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish CN zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13422**

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**SUBJECT: INITIAL ZONING MAP CHANGE – GEORGE KING ROAD (Z07-15A) – CITY OF DURHAM – WEST SIDE OF GEORGE KING ROAD, SOUTH OF EPHEBUS CHURCH ROAD AND EAST OF KINSALE DRIVE**

To receive public comments on the initial zoning map change for George King Road (Z07-15A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 2.690, RS-20; F/J-B zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the west side of George King Road, south of Ephesus Church Road and east of Kinsale Drive. PIN 0709-03-02-6159]

City/County Planning Director Frank Duke briefed Council on the initial zoning map change noting there would be no change in the proposed designation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on the initial zoning map change for George King Road (Z07-15A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 2.690, RS-20; F/J-B zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**Ordinance #13423**

**SUBJECT: INITIAL ZONING MAP CHANGE – ST. BARBARA GREEK  
ORTHODOX CHURCH (Z07-05A) – CITY OF DURHAM – 8306 NC 751 –  
MASSEY CHAPEL ROAD**

To receive public comments on the initial zoning map change for St. Barbara Greek Orthodox Church (Z07-05A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish RR; F/J-B zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the west side of NC 751 at the intersection with Massey Chapel Road.  
PIN: 0717-01-29-1758]

City/County Planning Director Frank Duke briefed Council on the initial zoning map change noting there would be no change in the proposed designation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Brown to receive public comments on the initial zoning map change for St. Barbara Greek Orthodox Church (Z07-05A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish RR; F/J-B zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:32

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p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

## **Ordinance #13424**

### **[GENERAL BUSINESS AGENDA]**

#### **SUBJECT: MAYOR'S STATE OF THE CITY ADDRESS**

To receive a presentation on the follow-up to the Mayor's State of the City Address.

City Manager Baker noted the report that will be given by staff is in response to certain requests that were made in the Mayor's State of the City address where the administration was asked to review several key areas that are sources of concern for the Council and the community.

Senior Assistant to the City Manager Reginald Johnson gave the following power point presentation on the follow-up to the Mayor's State of the City Address:

"In fact, it may be time for us to look at **establishing a special downtown overlay district** with a special tax to provide a higher level of service for downtown -services that may include additional police coverage, street clean up and other infrastructure improvements. Of course it would be necessary that we engage in full discussions with all of the downtown property owners as much as possible, who potentially might be impacted by a special overlay service district before deciding on whether to pursue this special downtown tax levy."

#### **Actions**

- Mayor, City Manager, and Economic Development Director met with the DDI (Downtown Durham, Inc.) Executive Committee to discuss the creation of a BID (Business Improvement District).
- Meeting resulted in the need to first establish a baseline on the cost and scope of current City services in downtown.
- City departments catalogued information in report submitted to DDI.
- DDI reviewed the report and concluded that they "were uncertain if the current level of services were adequate or not to service downtown."

#### **Issues**

- Key issue for DDI is whether higher quality services is an issue of additional resources or a new management approach or both.
- DDI advocates for a full-time Downtown Appearance Crew
- DDI has not taken a formal position on the BID. DDI members have varying perspectives and are in on-going internal discussions.
- Downtown property owners who are not part of DDI have differing views on the issue
- OEWD recommends that a BID concentrate on four fundamental issues: appearance, safety, marketing, and special events.

#### **Next Steps**

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- Ascertain whether DDI and the Downtown community desire to continue the discussion and work toward a recommendation to the City Manager and City Council for funding of a BID.

Over the next month I will ask Council members to join me in asking the city manager to begin to preliminarily **identify neighborhoods that may be candidates for revitalization**. The next step would be to engage neighborhood property owners and residents to establish a partnership in the revitalization process.”

#### Actions

- City staff identified neighborhoods that:
  - are in close proximity to other City investments,
  - have organized community groups,
  - present an opportunity for potential public and private investment, and
  - are in need of additional resources.
- On Monday, May 21, 2007, the City Manager conducted a tour of neighborhoods that could be potential candidates for revitalization.
- Tour participants included the Mayor, three City Council members, the City Manager, and staff from the City Manager’s Office, Department of Neighborhood Improvement Services, Department of Community Development, Office of Economic and Workforce Development, Durham Police Department, Durham Parks and Recreation, and the Transportation Division.

#### Issues

- Establishing criteria
- Concentration of aged housing stock
- Concentration of rental housing
- Concentration of vacant, dilapidated, and boarded houses
- Concentration of crime & poverty
- Lower levels of education
- Language and Cultural barriers

#### Potential Candidates for Revitalization

- Northeast Central Durham (NECD)
- Southside
- Southwest Central Durham (SWCD)

#### Next Steps

- Receive input from City Council on neighborhoods that are candidates for revitalization.
- City staff continue research and analysis to include meeting with PAC members and community leaders.

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- City Manager makes final recommendation to City Council on neighborhoods that are candidates for revitalization.

“On the issue of **street lights**, I am requesting the city council to ask the city manager to form a task force, to also include members of the Durham Police Department, to begin to visit our inner city neighborhoods at night to assess the level of street lighting. I would request that this be done in time to incorporate his recommendations in our city budget for the council's consideration.”

#### Actions

- On the night of May 22nd, approximately 20 persons including the Mayor, City Manager, Council members and City staff toured four areas to provide insight into lighting issues.
- Areas were identified by the Crime Prevention Officer and Transportation Division staff.
- The areas included:
  - Juniper and Ivy Street area (Ivy, Fern, Hibiscus, and Juniper streets)
  - Delano Street and Hardee Street
  - Briggs Avenue
  - New East Durham area (Angier, Bingham, East Main and Driver streets)

#### Issues

- The tour participants reviewed areas where
  - street lights have been installed and lighting is sufficient
  - street lights need to be installed
  - street lights are in need of bulb replacement or increased wattage
  - street lights that contain bullet proof shields
  - tree trimming could improve lighting

#### Next Steps

- General Services Department and Transportation Division staff will examine street lights for blockage by trees and trim back limbs and branches.
- Sign shop staff will examine area for trees, branches, and limbs that are blocking traffic signs.
- Police Crime Prevention staff will inspect areas where street lighting has not been requested by citizens to ascertain whether street lighting is needed.
- Crime Prevention Officers and Fire Department personnel will continue routine reporting of street light outages.

“I am asking the city council to support my request that the city manager present no later than the end of April 2007 a plan **to address the actions that our police department will take towards reducing violent crime in our city**. I am also requesting that we begin to receive monthly reports on the crime statistics at our work sessions. We need to see the crime trends more frequently so that if different actions are needed we can respond quicker. I am also requesting that we be given a plan that calls for more police presence in those areas that are experiencing higher incidents of crime. The city and county as well as the private sector have made a tremendous investment in downtown. There is more of a presence of persons coming to downtown at all hours of the day and we need to make sure that we are providing an adequate level of patrols to deter and to be able to respond more quickly to possible criminal incidents.”

#### Actions

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- Since March, the Mayor and City Council has received monthly crime reports at the Work Session in addition to the quarterly crime reports.
- The Police Department has initiated 90-day initiatives in targeted areas, increased use of crime trend analysis-help make arrest in violent crimes; identified and flagged Top 10 offenders in each district
- Gang Assessment Project
- Expanded crime prevention activities
- Engaged in outreach to Latino Community
- Major drug bust in recent months
- Task Force activities
- Work with other community agencies to focus on juveniles
- Continue to partner with the community to solve problems

#### Results

- Violent crime down 8% in 1st quarter 2007
- Improved crime clearance rates

#### Issues

- Violent Crime
- Youth Crime
- Gangs
- Drugs
- Guns
- Clearance rates

#### Next Steps

- Complete 90-day initiatives.
- Continue Task Force activities.
- Work with other community agencies to focus on juveniles.
- Complete Gang Assessment.
- Continue to partner with the community to solve problems.
- Continue evaluation of Downtown District Patrol needs.

Council held discussion on the administration reporting back with a specific plan to address what they viewed during the bus tour of neighborhoods and the issues outlined in the Mayor's State of the City address.

There being no further business to come before the City Council, the meeting was adjourned at 10:09 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk